

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : **MELICK**, Bruce D., et al.
SERIAL NO : 09/812,545
FILED : March 20, 2001
TITLE : SYSTEM AND METHOD OF USING VARIABLE PULSES FOR
SYMBOLGY

Grp./A.U. : 2613
Examiner : SEDIGHIAN, Reza
Conf. No. : 2555
Docket No. : P04409US01

**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL
DOUBLE PATENTING REJECTION OVER A
PENDING SECOND APPLICATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

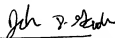
The owner, Lightwaves Systems, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application No. 10/967,859, filed on October 18, 2004. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney of record.

Please charge Deposit Account No. 26-0084 the amount of \$70.00 to cover the fee for a terminal disclaimer under 37 CFR 1.20(d). Please charge any deficiencies or credit any overpayment to Deposit Account No. 26-0084.

Respectfully submitted,



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